

NOV 21 2007



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

L. Preston Bryant, Jr.  
Secretary of Natural Resources

NORTHERN VIRGINIA REGIONAL OFFICE  
13901 Crown Court, Woodbridge, Virginia 22193  
(703) 583-3800 Fax (703) 583-3801  
www.deq.virginia.gov

David K. Paylor  
Director

~~Jeffery A. Steers~~  
Regional Director

## STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION ORDER BY CONSENT ISSUED TO

**Zamma Corporation**  
**DEQ Registration No. 41014**

### **SECTION A: Purpose**

This is a Consent Order issued under the authority of Va. Code § 10.1-1316.C, 10.1-1307.D and 10.1-1309, between the State Air Pollution Control Board (SAPCB) and Zamma Corporation, for the purpose of resolving certain alleged violations of the SAPCB regulations as specified in SECTION C of this Order.

### **SECTION B: Definitions**

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Air Pollution Control Board, a permanent collegial body of the Commonwealth of Virginia as described in Va. Code §§ 10.1-1301 and 10.1-1184.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.

5. "Zamma" means Zamma Corporation (hereafter referred to as "Zamma") certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents..
6. "Order" means this document, also known as a Consent Order.
6. "Facility" means the Zamma facility located at 14468 Litchfield Drive, Orange, Virginia 22960.
7. "NRO" means the Northern Regional Office of DEQ, located in Woodbridge, Virginia.
8. "Permit" means the Facility's Minor New Source Review Permit, which became effective September 27, 2006.
9. "Regulations" refers to the Regulations for the Control and Abatement of Air Pollution for the Commonwealth of Virginia.
10. "VAC" means Virginia Administrative Code.

#### **SECTION C: Findings of Fact**

1. Zamma Corporation (hereafter referred to as Zamma) is a wood molding and laminate manufacturing facility located at 14468 Litchfield Drive in Orange, Virginia. Zamma operates two Vyncke wood fired boilers equipped with two multicyclone dedusters to control particulate emissions from the boilers. The Permit states in Condition 11 that the fuel for the two boilers shall be "wood/Medium Density Fiber (MDF) board excluding any wood which contains chemical treatments or has affixed thereto pain and/or finishing materials or paper or plastic laminate." The facility controls fugitive dust emissions from its manufacturing processes and its Hymmen Double Belt Isoberic Press with baghouses as required by the Permit.
2. During a routine compliance inspection of the facility on June 27, 2007, DEQ personnel found a number of violations of the Permit including the burning of wood materials containing paint and/or finishing materials affixed to it. In addition, DEQ personnel detected a leak in blower case #2 and an accumulation of sawdust around the housing area. DEQ personnel noted that a metal plate had been welded onto the unit in an attempt to correct the leak. DEQ had not been notified of the leak previously and sawdust continued to leak from this area. Finally, DEQ personnel found that Zamma is not maintaining the facility's two dedusters in accordance with manufacturer's recommendations as stated in the Permit.

3. A Notice of Violation (NOV) was issued to the facility on August 17, 2007, as a result of the observations during the June 17, 2007, inspection. The following violations were included as a part of the NOV:
  - a. Permit Condition 11 requires that only Wood/MDF board, excluding any wood which contains chemical treatments or has affixed thereto paint and/or finishing materials or paper or plastic laminates, shall be used for fuel for the two Vyncke boilers. DEQ personnel observed the facility using board with paint and/or finishing material affixed to it as fuel for the boilers, and the facility stated that they have been burning a small amount of this type of wood for an extended period of time.
  - b. Permit Condition 25 requires that Zamma furnish notification to the Regional Air Compliance Manager of the NRO of malfunctions of the facility of related air pollution control equipment that may cause excess emissions for more than one hour. These notifications shall be made as soon as practicable but no later than four daytime business hours of the malfunction to be followed by a written statement giving all pertinent facts within 14 days of the occurrence. Notification shall also be given when the malfunction has been corrected and the equipment is again in operation. DEQ personnel found a leak on one of the blowers during the inspection which had originally been detected by the facility on May 25, 2007, at which time the metal plate was welded onto it. No notification was provided to DEQ.
  - c. Permit Condition 19 requires that visible fugitive emissions resulting from the collection, transfer, or handling of wood waste shall be remediated as soon as the condition is detected. DEQ personnel found a leak during the inspection that allowed for sawdust emissions from the blower. Upon further investigation, DEQ personnel found that Zamma had detected the leak on May 25, 2007, and tried to correct it with a metal plate; however, the leak continued. Zamma also stated that they ordered a replacement housing part on June 1, 2007, which had not been installed as of the date of the inspection. The replacement housing was received by the facility on June 13, 2007, but did not get replaced until July 4, 2007.
  - d. Permit Condition 5 states that the two multicyclone dedusters be installed, maintained, and operated in accordance with approved procedures, which shall include, at a minimum, the manufacturer's written requirements or recommendations. Zamma does not check and clean the ash chamber before starting the units in accordance with the manufacturer's recommendations.
4. Zamma provided a written response to DEQ in regards to the NOV on September 18, 2007. In the response, Zamma states that they were under the belief that the trimming and waste grinding that they have been burning since the beginning of operations was allowed under the permit as a negligible amount. Zamma also stated that DEQ was

never notified of the leak because it was repaired immediately and the amount of emissions was negligible. Finally, Zamma provided that the dedusters are being maintained properly and that they have a checklist for boiler operations that follows manufacturer's recommendations.

5. A meeting with DEQ personnel and Zamma was held on September 27, 2007, to discuss the violations as follows:
  - a. Zamma provided DEQ personnel with a log of daily inspections and a checklist for the deduster, including checking and cleaning the ash chamber before starting the unit as stated in the manufacturer's recommendations. These documents were considered to be sufficient for compliance with Permit Condition 5 and this alleged violation will not be considered in the Consent Order.
  - b. DEQ personnel and Zamma also discussed the procedure for notifying DEQ of malfunctions that may cause excess emissions. Zamma did not believe that it was necessary to notify DEQ of small problems if they had been corrected immediately. Zamma did not completely correct this problem and had to order a new part, and there was still a leak causing excess emissions during the site inspection weeks later.
  - c. Finally, there was a discussion regarding Permit Condition 11 that excludes any wood containing chemical treatments or has affixed thereto paint and/or finishing materials or paper or plastic laminates. It was determined that multiple discussions took place in the past with DEQ permitting staff and Zamma in regards to the burning of the trim from the molding sticks. DEQ was aware that Zamma was burning the ends of these sticks but did not know of the burning of other wood waste and trim. DEQ requested that Zamma provide the permitting staff with more precise amounts of the wood waste that is being burned so that DEQ can make appropriate calculations regarding emission limits, especially for formaldehyde. The Permit was never modified and specifically excluded the burning of any wood that contains chemical treatments, paint, finishing material, and paper or plastic laminates.
6. On October 17, 2007, DEQ staff sent a letter to Zamma Corporation requiring them to suspend burning of all wood waste in their boilers that contains chemical treatments or has affixed thereto paint and/or finishing materials or paper or plastic laminates as required by their permit until DEQ personnel can complete analysis of the emissions from burning the wood, make appropriate changes to the permit and reissue the permit as necessary.

**SECTION D: Agreement and Order**

Accordingly, by virtue of the authority granted it in Va. Code §10.1-1316(C), the Board orders Zamma Corporation, and Zamma Corporation agrees, to perform the actions described in Appendix A of this Order. In addition, the Board orders Zamma Corporation, and Zamma Corporation voluntarily agrees, to pay a civil charge in the amount of ten thousand, one hundred and sixty-six dollars (\$10,166.00) in two monthly payments of three thousand, three hundred and eighty-nine dollars (\$3,389.00) and one monthly payment of three thousand, three hundred and eighty-eight dollars (\$3,388.00). The payments shall be made on the following dates:

The first payment of \$3,389.00 shall be made on or before December 30, 2007;  
The second payment of \$3,389.00 shall be made on or before January 30, 2008; and  
The third payment of \$3,388.00 shall be made on or before February 30, 2008.

Payment shall be made by check payable to the "Treasurer of Virginia", delivered to:

Receipts Control  
Department of Environmental Quality  
P.O. Box 1104  
Richmond, Virginia 23218

The payment shall include the Federal Tax ID number of Zamma Corporation.

**SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend the Order with the consent of Zamma Corporation, for good cause shown by Zamma Corporation, or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein, including those matters addressed in the Notice of Violation issued to the Zamma Corporation facility by DEQ on August 17, 2007. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, Zamma Corporation admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.

4. Zamma Corporation consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Zamma Corporation declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 2.2-4000 *et seq.*, and the State Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by Zamma Corporation to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Zamma Corporation shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. Zamma Corporation shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Zamma Corporation shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
  - a. the reasons for the delay or noncompliance;
  - b. the projected duration of any such delay or noncompliance;
  - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
  - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director within 24 hours of learning of any condition above, which the parties intend to assert will result or has resulted in the

impossibility of compliance, shall constitute a waiver of any claim of inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Zamma Corporation. Notwithstanding the foregoing, Zamma Corporation agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to Zamma Corporation. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Zamma Corporation from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
12. By its signature below, Zamma Corporation voluntarily agrees to the issuance of this Order.
13. The undersigned representative of Zamma certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Zamma to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Zamma.

And it is so ORDERED this day of December 5, 2007.

Thomas A. Faha  
Thomas A. Faha, NRO Regional Director  
Department of Environmental Quality

Zamma Corporation voluntarily agrees to the issuance of this Order.

By: Peter L. Spielman  
Date: 11/24/07

Commonwealth of Virginia

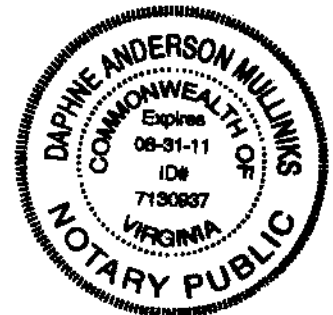
City/County of Orange

The foregoing document was signed and acknowledged before me this 28 day of  
November, 2007, by Peter L. Spielman, who is  
(Month) (Name)

President for the Zamma Corporation facility, on behalf of the  
(Title)  
Facility.

Daphne Anderson Mullinix  
Notary Public

My commission expires: 08/31/11





Appendix A  
Schedule of Compliance

Zamma Corporation shall perform the following actions:

1. In accordance with the letter sent October 17, 2007, Zamma shall immediately suspend the burning of all wood waste that contains chemical treatments or has affixed thereto paint and/or finishing materials or paper or plastic laminates until the permit can be modified as necessary and reissued.
2. Upon execution of this Order, begin checking all equipment for malfunctions and leaks on a daily basis and keep a log of these daily checks.
3. If a malfunction occurs, make note of malfunction location, cause, and how and when the problem was corrected in a maintenance log book that can be reviewed upon request by DEQ personnel.
4. Provide DEQ Air Permitting personnel with the following by November 30, 2007:
  - a. the quantities of all types of wood waste (in pounds and square feet) that contains chemical treatments or has affixed thereto paint and/or finishing materials or paper or plastic laminates being burned in the boilers in order to calculate potential emissions and the corresponding emissions limits;
  - b. information regarding the possible amounts of emissions released from burning the adhesives, resins, stains and laminates, especially regarding formaldehyde;
  - c. the application rate of all materials applied to the MDF per linear foot; and
  - d. the stack cross section diameter and exit gas velocity for the boilers.